

## Chapter 50

### **FIRE PREVENTION AND PROTECTION<sup>1</sup>**

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Sec. 50-63.	Enforcement generally.
Sec. 50-64.	Notice to remove violation.
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<sup>1</sup> **Cross references:** Fire protection response fee, § 2-281 et seq.; buildings and building regulations, ch. 18; civil emergencies, ch. 30; emergency services, ch. 42; open burning, § 46-61 et seq.; fireworks, § 82-141 et seq.; performance standards for fire and explosive hazards, § 130-233.

## **ARTICLE I. IN GENERAL**

### **Sec. 50-1. Appointment, term, and powers of fire district trustees.**

- (a) As long as the city is a member of the Evansville Fire Protection District, on the third Tuesday in April, the mayor, subject to confirmation by a majority vote of the entire city council, shall appoint (i) as many alderpersons as trustees of the district as is authorized by the agreement regarding the governance and operation of the district and (ii) an equal number of alderpersons as alternate trustees.
- (b) Each alderperson's appointment as a trustee or alternate trustee of the district shall be for a one-year term and shall expire on the third Tuesday in April.
- (c) If there is a vacancy in a trustee or alternate trustee position, the mayor, subject to confirmation by a majority vote of the entire city council, shall appoint another alderperson as trustee or alternate trustee, whichever is applicable, to serve the remainder of the original alderperson's term.
- (d) Trustees shall have whatever powers are given them by applicable state statute and the agreement regarding the governance and operation of the district. If a trustee is absent from a meeting of the trustees of the district, an alternate trustee in attendance at the meeting shall have the powers of a trustee.

(Ord. 2006-19)

### **Secs. 50-2--50-30. Reserved.**

## **ARTICLE II. FIRE PREVENTION CODE**

### **Sec. 50-31. State code adopted.**

The Wisconsin Administrative Code for Fire Prevention and Addendums, also known as Wis. Admin. Code ch. COMM 14, Fire Prevention, is hereby adopted by reference and made a part of this article as if fully set forth in this section. Any act required to be performed or prohibited by such code is required or prohibited by this section. This section adopts such other Wisconsin Administrative Code provisions as may supersede, supplant, or in any way modify, change or add to Wis. Admin. Code ch. COMM 14, Fire Prevention and Addendums as adopted.

(Ord. No. 1999-3, § 1(14.04(1)), 4-13-1999)

### **Sec. 50-32. Responsibility for administration and enforcement.**

The fire chief of the Evansville Fire Protection District is hereby authorized and directed to administer and enforce all the provisions of this article and Wis. Admin. Code ch. COMM 14 incorporated in this article by reference.

(Ord. No. 1999-3, § 1(14.04(2)), 4-13-1999)

### **Sec. 50-33. Penalty; additional remedies; citations.**

(a) *General penalty.* The provisions of section 1-11 shall apply to violations of any provision of this article.

(b) *Injunction remedies.* Any building in violation of this article shall be deemed an unlawful structure and a nuisance. The city attorney, upon complaint of the fire chief for the Evansville Fire Protection District or any person performing inspection services under this article, may bring an action to enjoin or abate the violation and nuisance in the municipal court.

(c) *Citations.* The fire chief for the Evansville Fire Protection District shall recommend to the city attorney the issuance of citations for violation of this article in accordance with the provisions of Wis. Stats. ch. 800, and to the schedule of deposits from time to time established by the municipal judge and approved by the city council.

(Ord. No. 1999-3, § 1(14.04(3)), 4-13-1999)

**Secs. 50-34--50-60. Reserved.**

### **ARTICLE III. FLAMMABLE AND COMBUSTIBLE LIQUIDS CODE**

#### **Sec. 50-61. Penalty.**

Any person who shall violate any provision of this article shall be subject to a penalty as provided in section 1-11.

(Code 1986, § 9.21(5))

#### **Sec. 50-62. State code adopted.**

The provisions of Wis. Admin. Code ch. COMM 10, and all amendments thereto, are hereby adopted and incorporated in this article by reference as if fully set forth in this section.

(Code 1986, § 9.21(1))

#### **Sec. 50-63. Enforcement generally.**

The chief of the fire department and the city building inspector are hereby authorized and directed to administer and enforce all of the provisions of this article and the rules on flammable and combustible liquids incorporated in this article by reference that come within the jurisdiction of their offices. They shall make periodic inspections and inspections upon complaint to ensure that such provisions are not violated. No action shall be taken under this article to enforce the rules unless the officer shall have inspected or caused to be inspected the premises where a violation is alleged to exist and satisfied himself that a violation does, in fact, exist.

(Code 1986, § 9.21(2))

**Sec. 50-64. Notice to remove violation.**

If the inspecting officer shall determine that a violation of this article exists on private premises, he shall serve notice on the person causing or maintaining the violation to remove the violation within 30 days. If such violation is not removed within 30 days, the proper officer may cause the violation to be brought to the attention of any court having jurisdiction or the city attorney for prosecution and/or an order for abatement.

(Code 1986, § 9.21(3))

**Sec. 50-65. Collection of cost of abatement.**

In addition to any other penalty imposed by this article for the erection, creation, continuance or maintenance of a violation, the cost of abating the violation by the city shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the violation and, if notice to abate the violation has been given to the owner, such cost shall be assessed against the real estate as a special charge.

(Code 1986, § 9.21(4))